

(Court file no.)

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

*(Paula Klee and Kelly-Anne St Germain)*

Applicants

and

*(Ontario Society for the Prevention of Cruelty to Animals)*

Defendant

### NOTICE OF MOTION

The *Applicants, Paula Klee and Kelly-Anne St Germain* will make a motion to the *Hon. Justice Kehoe on (6th), (November)*, at \_\_\_\_\_ or soon after that time as the motion can be heard, at 161 Elgin Street, Ottawa, ON.

PROPOSED METHOD OF HEARING: The motion is to be heard *November 6, 2017*

X in writing under subrule 37.12.1 (1) because it is made without notice);

☐ in writing as an opposed motion under subrule 37.12.1 (4);

☐ orally.

**THE MOTION IS FOR** interlocutory injunction releaf in the form of a writ of prohibition.

We respectfully ask the court for an interlocutory order for a writ of prohibition to prevent the enforcement of the current order by the Ontario Society for the Prevention of Cruelty to Animals against Kelly St. Germain and Paula Klee in regards to service dog Lucy, OSPCA File number: 08005-20170810-05 issued November 1<sup>st</sup>, 2017. This order is pending the outcome of civil action against OSPCA and ACRB to be filled in Ottawa.

**THE GROUNDS FOR THE MOTION ARE** The motion is filled without notice under section 37.07 (2) because the nature of the circumstances render service of the notice of motion impracticable because harm will occur if time is take for notice. The harm will be unnecessary OSPCA charges to Kelly-Anne St Germain and Paula Klee, loss of the animal Lucy to the OSPCA and financial loss in relation to fines and processing fees for shelter, treatment and possibility cost of euthanizing Lucy, loss

of reputation and possibly an animal prohibition will occur **after 4:00 pm November 6, 2017. Not enough time to allow for the appeal process to the Animal Care Review Board.**

### **Matter meets the test for an injunction.**

In R.J.R. Macdonald Inc. v. Canada (Attorney General). {1994} 1 S.C.R. 311 there is a three part test to establish the requirements for a injunction. Is there a serious issue to be tried, will the Applicant suffer irreparable harm if the injunction is not granted, and which party will suffer the greater harm if the injunction is not granted or refusing the remedy pending a decision on the merits (often called the balance of convenience)

#### **There is a serious issue to be tried.**

The Applicants intend to file an application for breach of duty against the Ontario Society for Prevention of Cruelty to Animals agency (OSPCA) who have issued orders behold the scope of their enabling legislation which is the Ontario Society for the Prevention of Cruelty to Animals Act (the Act) which only provides enforcement of adequate personal care and adequate medical treatment of animals. In this case the OSPCA has caused harm to the Applicants and the service dog Lucy by ordering extraordinary personal care and extraordinary medical care of the animal. As well an animal may not under the legislation be deemed in distress for the purpose of orders if it is under the care of a Veterinarian which the dog involved is under the care of a Veterinarian, and has been for several months. And the Veterinarian has indicated that the dog is being appropriately cared for and also has been provided an adequate and appropriate medical treatment plan. The OSPCA is in possession of 3 Veterinary reports to demonstrate the care. Recently the treating Veterinarian has issued a letter confirming that the dog has been appropriately cared for and medically treated; letter is attached to the Affidavit of Paula Klee at exhibit "L".

Furthermore OSPCA Agent McCormack impersonates a peace officer in this case contrary the provisions of the enabling statue the OSPCA Act or any other legislation. This impersonation resulted in criminal charges for Kelly St. Germain who was charged with obstruction because she could not comply with the order in the allotted 22 hours due to disability. Kelly is developmentally delayed has a seizure disorder and walks with 2 braces and a walker. OSPCA refused to accommodate her.

An action against the Animal Care Review Board will be made because they showed bias by refusing to deem the animal not in distress after successful treatment outcome under the supervision of the a Veterinarian. Agent McCormack's actions are arbitrary and harmful and the orders go beyond the confines of the duty bestowed by the Act, which requires adequate care for the animal including adequate medical care not extraordinary care. And it exempts a dog from being deemed in distress if it is receiving

treatment from a vet under section 11.2 (7) (c ) of the Animal Care Act. These orders are beyond adequate care prescribed by the treating veterinarian and therefore the orders are a breach of duty as the associated sanctions and actions are harmful to the Applicants and the animal Lucy.

The dog's current custodian Paula Klee and Kelly St. Germain will be charged by OSPCA after 4 pm Monday November 6, 2017 before an appeal to the ACRB can be effected. At this time the animal will be seized by the OSPCA and possibly destroyed and the Applicants will be subject to OSPCA charges and punitive fines and processing fees for example shelter, treatment and extermination of the animal by the OSPCA.

Affidavit of Paula Klee dated November 4, 2017 and the attached exhibits shows that the OSPCA Agent McCormack is claiming to be a peace officer. She also claims the authority for the OSPCA orders that she is issuing rests on the Authority of the Act. Under the Act it does not bestow the authority of a peace officer on OSPCA Agents nor does any other legislation. As well OSPCA Agent McCormack was the Agent that has issued all the orders in this case and has done so well beyond the scope of the Act. The act gives them the authority to insure that animals are receiving adequate care and adequate medical treatment. All the orders currently issued in association with this matter of the dog Lucy have been for extraordinary care and extraordinary medical treatment. The act also allows for an exemption of declaring an animal in distress if it is under treatment of a veterinarian which Lucy is and has been for several months. Three vet reports have been submitted to the OSPCA and a letter to demonstrate this is attached to Ms. Klee's affidavit as exhibit "L". The OSPCA has the three vet reports but they continue to declare the dog in distress. Nevertheless criminal charges are being pursued against Kelly and new orders have been issued against Kelly and Paula even though the treating Vet does not call for any further treatment other than rest and anti-inflammatory medication which Lucy is receiving. And charges will be laid on Kelly St. Germain and Paula Klee Monday Nov 6, 2017 if they don't comply with extraordinary measures ordered by the OSPCA even though the treating vet is not in agreement exhibit "L" vet letter.

**There will be irreparable harm if the order is not issued by the court.**

Irreparable harm will be done if the writ prohibition is not issued by the court. The loss of the animal, OSPCA charges which cause damage to reputation will be irreparable.

**No Harm to the Respondents if the order is issued.**

No forcible harm will come to the animal or Respondents if the prohibition is granted.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion: *(list the affidavits or other documentary evidence to be relied on).*

The Affidavit of Paula Klee dated November 5, 2017 with the following exhibits.  
Exhibit "A") Shows the animal Lucy was on a veterinary treatment plan for her injuries from August 23 to the present  
Exhibit "B") Shows the undertaking conditions were to follow any reasonable and affordable treatment recommendations by the OSPCA's veterinarian.  
Exhibit "C") Demonstrates initiative on Ms Klee's part for setting up veterinary appointment with OSPCA.  
Exhibit "D") Telephone conversation reveals Agent McCormack advising Ms Klee that she will be returning shortly with Dr Dennett to go over her findings.  
Exhibit "E") Telephone conversation reveals Agent McCormack instructing Ms Klee to fulfil Dr Dennett's recommendations through Dr Wallar, or another veterinarian.  
Exhibit "F") Dr Dennett's report. Shows many extra recommendations that she feels are necessary  
Exhibit "G") Price for Royal Canin an accepted veterinarian-endorsed brand dog food for joint issues)  
Exhibit "H") Eicosaderm Omega supplement price for 8oz bottle (4 day supply)  
Exhibit "I") Winter coat with joint coverage for medium sized dog  
Exhibit "J") 3 OSPCA orders issued to Ms Klee and Ms St Germain which states majority of actions to be taken by November 6, 2017 – a compliance time of 5 days.  
Exhibit "K") Telephone conversation reveals Agent McCormack inferring to Ms Klee that both veterinarians were in agreement with Dr Dennett's recommendations.  
Exhibit "L") Letter from Dr Wallar expressing his view on Dr Dennett's recommendations, and his disagreements with them being reasonable or adequate.  
Exhibit "M") Photo of Lucy which shows shiny coat and an adequate body size.

#### Applicants

*November 6, 2017* Paula Klee  
1807 Marquis Avenue  
Ottawa, ON K1J 8L5

Kelly-Anne St Germain  
2-129 Sherbrooke Ave  
Ottawa ON K1Y 1S1

#### Respondants

Ontario Society for the Prevention of Cruelty to Animals  
Ontario SPCA Provincial Office  
16586 Woodbine Ave.  
Stouffville, ON  
L4A 2W3

Animal Care Review Board  
530 - 20 Dundas Street West, 5th Floor  
Toronto, ON M5G 2C2

SUPERIOR COURT OF JUSTICE

COURT FILE NUMBER:

BETWEEN

PAULA KLEE AND KELLY-ANNE ST GERMAIN

APPLICANT

AND

ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

RESPONDENT

**AFFIDAVIT**

I, Paula Klee of the City of *Ottawa*, MAKE OATH AND SAY:

1. On October 23, 2017, I attended a bail hearing for Kelly-Anne St Germain, who was brought up on unwarranted charges in connection with an order enforced by the Ontario Society for the Prevention of Animals (OSPCA) for refusing to take her dog, Lucy to a veterinarian. I assisted Ms St Germain in getting Lucy seen by Dr. Wallar, an experienced veterinary surgeon, who specializes in treating cranial cruciate ligament injuries in dogs. Ms. St Germain has been following his treatment recommendations from August 23 to the present. **(Please see Exhibit "A" 3 clinical veterinary reports authored from Dr. Wallar of Ottawa Veterinary Hospital)**

2. On the 23<sup>rd</sup> of October, bail conditions were to be adhered by Ms St Germain as such:

"Lucy", your Rottweiler (dog) to reside at 1807 Marquis Avenue, Ottawa, ON in care of Paula Klee and you are to give permission for Ms Klee to allow her to have Lucy assessed by a veterinarian outside her residence in the presence of an SPCA officer and follow any reasonable and affordable treatment as recommended or work out some accommodation by the SPCA.

I was reluctant to agree to another examination of Lucy by the OSPCA-paid veterinarian at my home because of a serious conflict that Kelly and I have with the OSPCA which caused us to mistrust them. We only agreed to the exam outside my home after it was agreed by the courts that we were to follow any reasonable and affordable recommendations by the OSPCA's veterinarian. **(Please see Exhibit "B", Ms St Germain's release of undertaking)**

3. I contacted Agent McCormack of the OSPCA to set up a vet appointment, and was scheduled for November 1st. It took Agent McCormack 4 days to arrange a veterinarian opening since the hearing, and gave me two dates to choose from: October 31, or November 1st. I chose November 1<sup>st</sup> and I also emailed Dr. Dennett the 3 reports from Dr. Wallar for her reference. ***(Please see Exhibit "C" email correspondence between Agent McCormack and myself).***

4. Dr. Dennett and Agent McCormack arrived in separate vehicles, and Dr. Dennett spent approximately one-minute examining Lucy's body, including some type of manipulation of her legs from a standing position. For the remainder of the visit, she observed Lucy walk with me and eliminate on the grass. Dr. Dennett asked which brand of dog food she was eating, and asked to view her medication as well as her glucosamine supplement bottle. She concluded her visit which was approximately 10 minutes, and returned to her mini-van along with Agent McCormack.

5. Agent McCormack telephoned me at 11:58am to advise me that she and Dr. Dennett were down the road and Dr. Dennett was just writing her report and that afterward, they would be returning to go over and discuss all of her findings and if there was any necessity for orders we would go over all that at the same time. ***(please refer to exhibit "D", conversation with Agent McCormack at 11:58am that she would be returning with Dr. Dennett to discuss her findings.)***

6. Agent McCormack telephoned me at 1:30pm to advise me that Dr. Dennett had concluded her report, and that she was on her way to write me orders, without Dr. Dennett. Agent McCormack stated to me:

"You will have to get prescriptions in the future, in the very *near* future, but you're going to do that through Dr. Wallar....Or whoever you choose".

Agent McCormack stated that she would email me Dr. Dennett's report and that she was 5 minutes away to issue me orders. I had no opportunity to discuss these findings or accommodations with Dr. Dennett. ***(Please refer to exhibit "E" telephone conversation with Agent McCormack at 1:30pm)***

7. Agent McCormack emailed me Dr. Dennett's report which stated that it was necessary to fulfill another veterinary exam at my expense which includes extensive blood work and fecal exam to investigate nutrition, extra medications to augment the current one, a higher quality dog food, a better supplement for Omega 3, and a winter coat. The recommendations also stated that the blood work and fecal exams should be conducted every 6 months to ensure that Lucy is also metabolizing her pain medication. ***(Please see Exhibit "F", Dr. Dennett's veterinary report)***

8. I seriously disagree with many of Dr. Dennett's recommendations, which are:

- a) Have blood work and fecal exams done, including ACCUPLEX/SNAP, to

investigate abnormal water intake and to insure true body condition score and poor coat quality are nothing more than nutritional because my vet has no issues with her (BCS) and does not agree that it is necessary, and it's quite costly. It was estimated by the vet clinic to be upwards of \$300 for just one of the tests. A veterinary visit would cost \$88.27.

- b) Provide good quality dog food, in order to provide a dog with a chronic injury needs a higher plane of nutrition. My vet did not endorse that it's necessary for Lucy to change her food. Lucy seems to digest the Ol' Roy brand dog food without issues. An estimate for Royal Canin dog food for joint function improvement/healthy skin and coat development is \$210.32/17lb bag (***please refer to exhibit "G " price for Royal Canin dog food***)
- c) Add Gabapentin ASAP to augment the Metacam. My vet said that Gabapentin could be something to explore later on over a span of time, if it was warranted, but is not necessary to have immediately. It was estimated that the price starts at \$80 depending on the size of the dog.
- d) Provide a higher quality Omega source, ie: Eicosaderm or equivalent well-made brand. My vet feels it's not a necessity, and an extra expense which could be based on personal preferences. It is on sale at Amazon for \$35.69 for an 8oz bottle, a 4-day supply at 2oz/daily (***please see attached exhibit "H" price for Eicosaderm from Amazon***)
- e) "Lucy" should be provided with a coat in winter to insulate joints. My vet does not agree that Lucy needs a winter coat. PetSmart does not have these coats on order for full legs. The only option would be Amazon; and their prices range from \$88-\$174 for a medium sized dog. (***Please refer to exhibit "I" winter coat with legs for medium sized dog on Amazon***)
- f) Blood work should be repeated every 6 months to insure pain medications are able to be metabolized. Dr Wallar felt it necessary. I find this to be a costly expense and not common. As indicated above, the office estimated that some of these tests recommended by Dr Dennett are upward of \$300 each time.

9. Agent McCormack served me with 3 OSPCA orders with both my name and Ms St Germain's name on them. Agent McCormack stated that she would not accommodate for any of these recommendations by Dr Dennett; and that I am subject to fulfill all of those requirements through another veterinarian **by the end of today, November 6th at 4:00pm or else OSPCA would apprehend the dog and lay charges against myself and Ms St Germain**, and the ***only*** accommodation the OSPCA stated they would provide is the option for me to surrender the dog to the OSPCA prior to 4:00pm to avoid the dog being apprehended and Kelly and I being charged. These are the orders placed on me and Ms St Germain, based on the recommendations in Dr. Dennett's report:



**OSPCA orders file number 08005-20170810-05 dated November 1, 2017 Exhibit J**

orders page 1 of 3

1) Have blood work done, including ACCUPLEX/SNAP, to investigate abnormal water intake and to insure true body condition score and poor coat quality are nothing more than nutritional (This is due November 6, 2017 at 4:00pm)

2) Have fecal done to investigate abnormal water intake and to insure true body condition score and poor coat quality are nothing more than nutritional (This is due November 6, 2017 at 4:00pm)

4) Provide good quality dog food, in order to provide a dog with a chronic injury needs a higher plane of nutrition (This is due November 6, 2017 at 4:00pm)

5) Provide Gabapentin (pain med) to augment the Metacam (This is due November 6, 2017 at 4:00pm)

Orders page 2 of 3:

1) Provide a higher quality Omega source, ie: Eicosaderm or equivalent well-made brand. (This is due November 6, 2017 at 4:00pm)

Orders page 3 of 3:

2) "Lucy" should be provided with a coat in winter to insulate joints.  
(This is due November 6, 2017 at 4:00pm)

3) Blood work should be repeated every 6 months to insure pain medications are able to be metabolized. (This is due May 6<sup>th</sup>, 2017 at 4:00pm)

Veterinary Visit:	88.27
1 blood test (not including all the others)	300.00 *(upwards of)
Eicosaderm Omega sup at \$35.69 x 7	249.83 *(8oz ÷ 4 2oz/daily x 28 days)
Winter coat to insulate joints	104.74
Better quality Dog food for joint care	210.32 *(per 17lb bag)
Gabapentin	80.00 *(upwards of per
monthly amount)	-
Metacam (continue taking) 1 month supply +	67.28 (this
one <u>isn't</u> unreasonable/monthly)	

Estimated total for costs within 5 days = \$1,100.44

My monthly income is approximately \$1700, and I have 2 children to support, making this amount of money to pay these extreme recommendations unaffordable, and it's previously argued unreasonable as the treating veterinarian found them unnecessary,



except for continuing the Metacam, which I am doing. It is also quite unreasonable that I have to pay for all of these things by today, November 6, 2017 by 4:00pm (***please see attached exhibit "J" OSPCA orders pages 1-3***) As well I am told that that the OSPCA will not provide prescriptions I am not get these prescriptions from the treating veterinarian and in this case he does not agree with additional pain medication and blood testing at this time.

10. After leaving, Agent McCormack telephoned me at 3:52pm to remind me that the OSPCA's offer still stood for me to surrender the dog to OSPCA if I could not fulfill the unreasonable requirements set out by their orders. In the phone call, I told Agent McCormack that I would need to consult with Dr. Wallar as to whether or not he was in agreement with Dr. Dennett, as Agent McCormack stated earlier. Agent McCormack then reiterated:

"You know, have your conversation with Dr. Wallar, but, you know, him and Dr. Dennett were in conversation together and we're talking about two qualified veterinarians that *really* were on the same page about everything prior to Dr Dennett's actually writing her report of what she thought."

Agent McCormack also stated:

"They did come up to the same agreements on everything that they had discussed prior to her recommendations, and they had been in conversation."

***(please refer to exhibit "K", telephone conversation with Agent McCormack 3:52pm)***

12. I eventually got through to Dr. Wallar by telephone on November 2<sup>nd</sup> to discuss his position on all these extra recommendations ordered to me by OSPCA through Dr. Dennett, as I was advised to seek these treatments through his practice. Dr. Wallar confirmed that he spoke briefly with Dr. Dennett *after* her assessment of Lucy, and stated that he was not in agreement with much of the recommendations. Dr. Wallar had also offered to write a letter stating his exact disagreements. (***Please see Exhibit "L", Dr. Wallar's letter with regard to Dr. Dennett's report***)

13. I took a photo of Lucy on Nov 4, 2017. (***Please see exhibit "M", photo of Lucy***)

14. If no injunctive relief is provided by the Court, irreparable harm will be done to me in that my reputation will be permanently damaged, as well I will ensue charges by the OSPCA, punitive fines, and financial obligations to pay for the OSPCA processing fees which include, treatment, boarding and possible euthanizing of Lucy.

15. If no injunctive relief is provided by the Court, Ms St Germain will suffer irreparable harm in that she will receive criminal breach of bail charges, which could result in protracted incarceration and criminal conviction, damage to reputation, and then she will also suffer charges from the OSPCA, punitive fines, and financial obligations to pay for the OSPCA processing fees which include treatment, boarding and possible euthanizing of Lucy.

16. No harm will be experienced by OSPCA or the Animal Care Review Board if injunctive relief is ordered by the Court.

Sworn (or Affirmed) before me at the (City,  
Town, etc.) of

.....  
in the (County, Regional Municipality, etc.) of ...

.....  
(date). Nov 5, 2017

.....  
Commissioner for Taking Affidavits  
(or as may be)

**Jane Scharf**  
**Licensed Paralegal**  
**#P06406**

.....  
(Signature of deponent)

## Exhibit "A"

- 3 Veterinary reports from  
Dr. Wallar Dated Aug 23, Sept 13,  
Oct 16, 2017 with invoices  
(7 pages)



Ottawa Veterinary Hospital  
900 Boyd Ave. Ottawa, On. K2A 2E3  
613-725-1182  
ottawa@vca.com

**KELLY ST. GERMAIN (# 2180465)**  
129 SHERBROOKE AVE APT 2  
OTTAWA, ON K1Y 1S1

**Aug 23, 2017**

**Invoice Number  
273488**

**LUCY (# LUCY)**

Species: CANINE

Sex: Female Spayed

Age: 5 years old

Breed: ROTTWEILER

Coat Color: BLACK/BROWN

Weight: 24.3 kg.

Rabies Tag Number:

Bordetella:

DHPP:

Examination:

Heartworm:

Lepto:

Lyme:

Date	Code	Description	Qty	Price
08/23/2017	MCAM32IN	MELOXICAM 32ML 1.5MG/ML	1.00 32 ML BTL	\$ 66.01 <sup>+tx</sup>
	OC	CONSULTATION/EXAMINATION	1.00	\$ 84.07 <sup>+tx</sup>
	O	EMERGENCY SERVICE	1.00	\$ 0.00

**Total for LUCY: \$ 150.08**

Dr. M. Wallar

**Total Products: \$ 150.08**

HST # 804517811: \$ 19.51

**Total Invoice: \$ 169.59**

Cash \$ 169.59

**Total Payments - Thank you: \$ 169.59**

**\*\*Medications are non-refundable\*\* We can safely dispose of them if needed.**

**Services have been provided by The Ottawa & Bells Corners Veterinary Professional Corporation.**

**Monthly service charge of 2% on all overdue accounts.**



**ST. GERMAIN, KELLY,**

Acct Number: 2180465  
Address.....: 129 SHERBROOKE AVE APT 2  
OTTAWA, ON K1Y 1S1  
Phone.....: H: (0 ) - W:(0 ) - ext:  
Cell Phone.....: (613) 218-0465  
Comments.....:

**LUCY**

Medical Alert:  
Sex.....: FS Weight.: 24.3 kg.  
DOB.....: 08/23/2012 Age.....: 5 years and 1 month old  
Species..: CANINE Breed...: ROTTWEILER

Referring DVM: NO RDVM

Problem History:	Status:	Date Opened:	Date Closed:	Number:
lame LH	Open		09/13/2017	2
suspected ACL RH	Open		08/24/2017	1

09/13/2017 **Problem#:** 2 lame LH **Open** **Provider:** Dr. M. Wallar

09/13/2017 **SOAP** **suspected ACL LH** **Provider:** Dr. M. Wallar

15:19:14

**S:** see prev SOAP suspected ACL RH  
person that is bringing in not the actual owner but looks after  
was improving until yesterday when acute lame on LH

**O:** toe touch non wt bearing lame LH  
using RH

stifle swellingLH

- +ve CTT
- poss draw
- no meniscal pop but the owner reports that heard a pop when lame
- m2 muscle atrophy

**A:** consistent with acute LH ACL injury  
in conjunction with previous RH injury

- **P:** sx not an option for \$ concerns
- rec cont meloxicam and rest..DP meloxicam 100ml give 25 units orally once daily.
- reevaluate in 4-8 weeks
- may recover functional hind end with good QOL

W/pc/actual owner advised

09/13/2017 **RX#:** MELOXICAM 100ML **QTY:** 1.00 **Provider:** Dr. M. Wallar  
**164072** on: 1.5MG/ML  
Give 25 units once daily. Can be given with food.



Ottawa Veterinary Hospital  
900 Boyd Ave. Ottawa, On. K2A 2E3  
613-725-1182  
ottawa@vca.com

**KELLY ST. GERMAIN (# 2180465)**  
129 SHERBROOKE AVE APT 2  
OTTAWA, ON K1Y 1S1

**Sep 13, 2017**

**Invoice Number  
276058**

**LUCY (# LUCY)**

Species: CANINE      Sex: Female Spayed  
Age: 5 years and 1 month old  
Breed: ROTTWEILER  
Coat Color: BLACK/BROWN  
Weight: 24.3 kg.  
Rabies Tag Number:

Bordetella:  
DHPP:  
Examination:  
Heartworm:  
Lepto:  
Lyme:

Date	Code	Description	Qty	Price
09/13/2017	OC	CONSULTATION/EXAMINATION	1.00	\$ 88.27 <sup>+tx</sup>
	Q	EMERGENCY SERVICE	1.00	\$ 0.00
	MCAM100IN	MELOXICAM 100ML 1.5MG/ML	1.00 100 ML BTL	\$ 134.57 <sup>+tx</sup>

**Total for LUCY: \$ 222.84**

Dr. M. Wallar

**Total Products: \$ 222.84**

HST # 804517811: \$ 28.97

**Total Invoice: \$ 251.81**

Cash \$ 251.81

**Total Payments - Thank you: \$ 251.81**

**\*\*Medications are non-refundable\*\* We can safely dispose of them if needed.**

**Services have been provided by The Ottawa & Bells Corners Veterinary Professional Corporation.**

**Monthly service charge of 2% on all overdue accounts.**





Ottawa Veterinary Hospital  
900 Boyd Avenue  
Ottawa, ON  
(613) 725-1182  
10/17/2017

**ST. GERMAIN, KELLY,**

Acct Number: 2180465  
Address.....: 129 SHERBROOKE AVE APT 2  
OTTAWA, ON K1Y 1S1  
Phone.....: H: (0 ) - W:(0 ) - ext:  
Cell Phone....: (613) 218-0465  
Comments.....:

**LUCY****Medical Alert:**

Sex.....: FS Weight.: 27 kg.  
DOB.....: 08/23/2012 Age.....: 5 years and 2 months old  
Species...: CANINE Breed...: ROTTWEILER

Referring DVM: NO RDVM

**Problem History:**

lame LH  
suspected ACL RH

**Status:**

Open  
Open

**Date Opened:****Date Closed:****Number:**

09/13/2017  
08/24/2017

2  
1

10/16/2017  
18:25:17

**SOAP****Recheck**

Provider: Dr. M. Wallar

**S:** hx of bilateral ACL injury  
owners cannot afford surgery  
owner has been notified that must seek veterinary attention by the Quebec SPCA?

**O:** BAR

walks quite well, m1 favouring of left compared to RH  
able to sit and get up with no difficulty  
wt carried forward  
decrease in stifle swelling from last exam  
m1-m2 bilateral loss of thigh musculature  
bilateral thrust  
no meniscal click

**A:** bilateral ACL injury

quality of life is good at this time

**P:** recommend:

- continue meloxicam as needed
- slow increase in leash activity
- no further assesment is needed unless complications

For any questions on LUCY's health, please call (613) 725-1182.





Ottawa Veterinary Hospital  
900 Boyd Ave. Ottawa, On. K2A 2E3  
613-725-1182  
ottawa@vca.com

**KELLY ST. GERMAIN (# 2180465)**  
129 SHERBROOKE AVE APT 2  
OTTAWA, ON K1Y 1S1

**Oct 16, 2017**

**Invoice Number  
279790**

**LUCY (# LUCY)**

Species: CANINE      Sex: Female Spayed  
Age: 5 years and 2 months old  
Breed: ROTTWEILER  
Coat Color: BLACK/BROWN  
Weight: 27 kg.  
Rabies Tag Number:

Bordetella:

DHPP:

Examination:

Heartworm:

Lepto:

Lyme:

Date	Code	Description	Qty	Price
10/16/2017	OCR	REPEAT EXAM/CONSULTATION	1	\$ 62.96 <sup>+tx</sup>
			<b>Total for LUCY:</b>	<b>\$ 62.96</b>
			<b>Total Products:</b>	<b>\$ 62.96</b>
			HST # 804517811:	\$ 8.18
			<b>Total Invoice:</b>	<b>\$ 71.14</b>
			Cash	\$ 81.25
			<b>Total Payments - Thank you:</b>	<b>\$ 81.25</b>
			<b>Change Dispensed:</b>	<b>\$ 10.11</b>

Dr. M. Wallar

**\*\*Medications are non-refundable\*\* We can safely dispose of them if needed.**

**Services have been provided by The Ottawa & Bells Corners Veterinary Professional Corporation.**

**Monthly service charge of 2% on all overdue accounts.**

Exhibit "B" Copy of Ms St Germain's  
Oct 23, 17 Undertaking release form (1 pg)

# UNDERTAKING GIVEN TO A JUSTICE OR A JUDGE / PROMESSE REMISE À UN JUGE DE PAIX OU À UN JUGE

CANADA  
PROVINCE OF ONTARIO  
PROVINCE DE L'ONTARIO

Form / Formule 12

Sections / Articles 515 and/et 679  
of the Criminal Code / du Code criminel

sit

(Region / Région)

0411-998-17-A12304

(Case/File No. / N° du cas/dossier)

Kelly-Anne ST GERMAIN  
soussigné(e),

1981/02/27

(occupation / profession)

2-129 Sherbrooke Ave. Ottawa ON

I understand that I have been charged that on or about the/between the 11th day of August, yr. 2017  
je comprends que j'ai été inculpé(e) d'avoir, le ou vers le/entre le 13th jour de August an 2017

the City of Ottawa, I unlawfully did commit the offence(s) of:  
the City de Ottawa commis illégalement l'infraction ou les infractions suivantes :

A12304, 129(a)X2CCC

order that I may be released from custody, I undertake to  
in de pouvoir être mis(e) en liberté, je m'engage à

and court on Thurs day, the 9th day of November, yr. 2017, at 08:30 o'clock in the  
je présente(e) au tribunal le jour de an à heures  
before noon in Courtroom N° 5 at / 161 Elgin St., Ottawa  
à la salle d'audience n° à(au)

I will attend thereafter as required by the court in order to be dealt with according to law,  
à être présent(e) par la suite selon les exigences du tribunal, afin d'être traité(e) selon la loi, ou

I also undertake to:

m'engage également à :

Reside at 2-129 Sherbrooke Avenue, Ottawa, ON

Notify the Officer in Charge (or designate) Cst. Bernard #2057 at OPS 474 Elgin St. of your address in writing within 24 hours of  
any change in your address.

Keep the peace and be of good behaviour.

"Lucy", your Rottweiler (dog) to reside at 1807 Marquis Avenue, Ottawa, ON in care of Paula Klee and you are to give permission  
to Ms. Klee to allow her to have Lucy assessed by a veterinarian outside her residence in the presence of an SPCA officer and  
follow any reasonable and affordable treatment as recommended or work out some accommodation with SPCA.

I understand that failure without lawful excuse to attend court in accordance with this undertaking is an offence under subsection 145(2) of the  
Criminal Code.

je comprends que l'omission, sans excuse légitime, d'être présent(e) au tribunal en conformité avec la présente promesse constitue une  
infraction en vertu du paragraphe 145(2) du Code criminel.

I have appeared before me this 23rd day of October, 2017  
j'ai comparu devant moi ce jour de

the City of Ottawa  
(au) de

in the Province of Ontario / dans la province de l'Ontario

Signature of Accused / Signature du prévenu

Kelly-Anne ST GERMAIN

Judge/Justice of the Peace / Juge ou juge de paix

DISTRIBUTION: / COPIE À(AU) :

☒ Accused / accusée ☐ Crown / Couronne ☐ VWP / PVAT ☐ Police / Police ☐ Chief Firearms Officer / contrôleur des armes à feu

Copy

Exhibit "c" email  
correspondence to set appointment  
for vet (6 pages)



---

## Veterinarian Appointment Scheduling (2nd attempt)

1 message

Paula K <mamacecile76@gmail.com>

Thu, Oct 26, 2017 at 8:57 AM

To: mmccormack@ospca.on.ca, lmichaud@ospca.on.ca, bbishop@ospca.on.ca; jbluhm@ospca.on.ca, linda.lamoureux@ontario.ca, chris.popovich@ontario.ca, Jane <mjslegalservices@outlook.com>

Dear Agent McCormack;

I sent you an email yesterday as well as a fax to the Newmarket OSPCA head office to your name, with Ottawa in brackets.

I explained to you in the email and fax yesterday, that I had first called the 310-OSPCA telephone line, as you directed, as a way to schedule the appointment with you and a veterinarian.

The automated recording, as I had mentioned, only leaves options to 1) report an animal in immediate distress; 2) report animal abuse or neglect; 3) report animal control issues in Markham and Aurora regions. I have reasonable apprehensions for not selecting options 1 and 2 in order to reach somebody for direction.

I explained in my email yesterday that I would be available tomorrow, October 27, 2017 between the hours of 9:00am and 2:00pm. I am still available between those hours tomorrow.

I would like for you to reply and at least let me know if you are in the works of planning for a veterinarian to attend outside my home, and please provide to me the date and time.

The weather is getting colder, therefore I would like to be able to do this before the temperature affects Lucy's comfort for this examination, as the judge directed it to be taking place outside.

I have Cc'd Lynn Michaud, Jennifer Bluhm, Bonnie Bishop, ACRB Executive Chair Linda Lamoureux, Executive Advisor Chris Popowich, and Jane Scharf to verify receipt of this email so that no harm comes to Kelly should you choose not to reply to confirm tomorrow or set up an appointment with me as per Kelly's conditions.

Regards,

Paula Klee



---

## Veterinarian Appointment Scheduling (2nd attempt)

1 message

**Mikaela McCormack** <mmccormack@ospca.on.ca>

Thu, Oct 26, 2017 at 1:18 PM

To: Paula K <mamacecile76@gmail.com>, Lynn Michaud <lmichaud@ospca.on.ca>, Bonnie Bishop <bbishop@ospca.on.ca>, Jennifer Bluhm <JBluhm@ospca.on.ca>, linda.lamoureux@ontario.ca <linda.lamoureux@ontario.ca>, chris.popovich@ontario.ca <chris.popovich@ontario.ca>, Jane <mjslegalservices@outlook.com>

Ms. Klee,

I appreciate your patience in waiting for my response, and I apologize for the delay in getting back to you. Over the past day I have worked on solidifying a Veterinarian to come to your property, with me, for the purpose of examining Lucy. Today I received confirmation from the veterinarian that she will be available next Tuesday October 31<sup>st</sup>, or Wednesday November 1<sup>st</sup>. Please advise which of the two aforementioned dates would be most convenient for you. Additionally, please provide me with a time of day that would work best with your schedule.

Further, I hear your frustration in getting through to our dispatch center. In future, as I mentioned in conversation with you on Monday, please dial 310-7722 and press 1 – this should transfer you our dispatchers. Alternatively, you can leave me a voicemail by dialing (905) 898-7122 x453 – I will get back to as soon as possible.

Ms. Klee, in our conversation on Monday I requested that you provide me with a contact phone number to reach you at, to which you had agreed to. Please provide this at your earliest convenience.

Should there be any issues with the suggested dates, please contact me before 5pm on Friday October 27<sup>th</sup>, 2017, to make more suitable arrangements.

Best,

Mikaela

**M. McCormack #1780**

Agent

Ontario SPCA, Eastern Region Investigations  
(905) 898-7122 x 453



## Veterinarian Appointment Scheduling (2nd attempt)

1 message

Paula K <mamacecile76@gmail.com>

Fri, Oct 27, 2017 at 9:06 AM

To: Mikaela McCormack <mmccormack@ospca.on.ca>

Cc: Lynn Michaud <lmichaud@ospca.on.ca>, Bonnie Bishop <bbishop@ospca.on.ca>, Jennifer Bluhm <JBluhm@ospca.on.ca>, linda.lamoureux@ontario.ca <linda.lamoureux@ontario.ca>, chris.popovich@ontario.ca <chris.popovich@ontario.ca>, Jane <mjslegalservices@outlook.com>

Dear Agent McCormack,

I am available on November 1st between 11:00am and 2:00pm.

The weather network predicts that it could be 8 degrees Celsius at maximum on the 1st, and it also predicts a chance of snow.

Unfortunately, the exterior of my home does not provide much shelter from the elements.

In the event should weather be an issue, I suggest for some type of accommodation, perhaps for you to provide a spacious, heated and well lit vehicle for which we could all enter with Lucy to ensure heat, light and reasonable space should the examination require more than a few minutes to ensure comfort and efficiency. The veterinarian and yourself can also have a chance to observe Lucy's gait en route to the vehicle, if a vehicle is necessary.

In order to help Lucy remain calm throughout the examination, I will also ask that interaction with Lucy not interfere with her behaviour regimen. Should yourself or the veterinarian wish to provide treats, affection or praise to Lucy, they must only be given to Lucy after she has fully obeyed a direct command.

Keeping in mind that Lucy has recently been given veterinary approval to have short walks, she is still moderately restricted from activity in order to prevent further injury from overexertion. Should Lucy become excited at any point during the examination, you must allow me the time and space to provide a command to Lucy and wait for her to settle before attempting to touch her or command her to change positions.

I will also provide to your Veterinarian, copies of the three veterinary reports from Dr. Wallar with regard to Lucy's injury to ensure your Veterinarian has a full history of his clinical findings.

Please let me know what time between 11:00am and 2:00pm on November 1st that you will be arriving. Please also keep in mind that I will have to leave at 2:00pm for other engagements.

As agreed, you may reach me at 613-618-6654. Should you have difficulty finding my house, you may contact me and I can come outside to help direct you to my location, if needed.

Best as well,

Paula Klee

[Quoted text hidden]





## Veterinarian Appointment Scheduling (2nd attempt)

1 message

**Mikaela McCormack** <mmccormack@ospca.on.ca>

Fri, Oct 27, 2017 at 4:50 PM

To: Paula K <mamacecile76@gmail.com>

Cc: Lynn Michaud <lmichaud@ospca.on.ca>, Bonnie Bishop <bbishop@ospca.on.ca>, Jennifer Bluhm <JBluhm@ospca.on.ca>, linda.lamoureux@ontario.ca <linda.lamoureux@ontario.ca>, chris.popovich@ontario.ca <chris.popovich@ontario.ca>, Jane <mjslegalservices@outlook.com>, sdennett@rogers.com <sdennett@rogers.com>

Ms. Klee,

Thank you for getting back to me.

I would like to kindly remind you that the veterinarian examination 'must' take place outside of the home, as per your request that the Ontario SPCA not enter your dwelling. We are respectful and understanding of this.

Though the weather will be cooler, it will still be at an appropriate temperature that will not cause distress to Lucy; additionally, a qualified veterinarian will be present, should there be any issues. Thus, after a discussion with my Senior Inspector, the Ontario SPCA will continue with your requested accommodations: to have Lucy examined outside of the home.

Dr. Dennett and I will attend your residence on November 1st, 2017 at 11:00 a.m.

Rest assured I have made Dr. Dennett aware of your numerous concerns, outlined in your previous email, and we are both understanding and respectful of each of them.

You may email the records from Dr. Waller to [sdennett@rogers.com](mailto:sdennett@rogers.com).

Talk to you soon,

Mikaela

M. McCormack  
Agent #1780  
Ontario SPCA - Eastern Region Investigations

**From:** Paula K

**Sent:** Friday, October 27, 2017 9:06 AM

**To:** Mikaela McCormack

**Cc:** Lynn Michaud; Bonnie Bishop; Jennifer Bluhm; linda.lamoureux@ontario.ca; chris.popovich@ontario.ca; Jane

**Subject:** RE: Veterinarian Appointment Scheduling (2nd attempt)

[Quoted text hidden]



## Veterinarian Appointment Scheduling (2nd attempt)

1 message

Paula K <mamacecile76@gmail.com>

Sat, Oct 28, 2017 at 11:56 AM

To: Mikaela McCormack <mmccormack@ospca.on.ca>

Cc: Lynn Michaud <lmichaud@ospca.on.ca>, Bonnie Bishop <bbishop@ospca.on.ca>, Jennifer Bluhm <JBluhm@ospca.on.ca>, linda.lamoureux@ontario.ca <linda.lamoureux@ontario.ca>, chris.popovich@ontario.ca <chris.popovich@ontario.ca>, Jane <mjslegalservices@outlook.com>, sdennett@rogers.com <sdennett@rogers.com>

Agent McCormack,

Thank you for providing contact information for me to ensure the veterinarian receives Dr. Wallar's clinical reports of Lucy's injury.

I wanted to make it clear that this veterinarian exam **is to be covered by the OSPCA**, and that neither Kelly nor I should expect to be invoiced for this examination as you are aware that Lucy has already attended 3 veterinary visits since your involvement: the most recent being October 16, 2017, where Lucy has been declared recovered from the injury. It is the OSPCA who had insisted on these reports from Dr. Wallar, but are now scrutinizing their credibility.

I merely *suggested* the heated vehicle should the weather be an issue if the examination were to be lengthy. I had *no* issues with allowing a veterinarian of *your choice* entering my home to examine Lucy.

I don't see it unreasonable to suggest a clean and warm space for the exam should the visit entail having Lucy lay down in different positions on a possibly wet and dirty ground for an undetermined amount of time.

I shouldn't have to remind you Agent McCormack that *this* accommodation was made because it was *you who insisted* on being present to oversee the veterinarian exam for your report.

Nevertheless, I will provide some ground cover for Lucy's examination if weather is an issue.

I will see you on Wednesday at 11:00am with the veterinarian.

Have a good weekend,

Paula Klee

[Quoted text hidden]



## Clinical history of Lucy's injury from Dr Wallar Ottawa Veterinary Hospital

1 message

Paula K <mamacecile76@gmail.com>

Tue, Oct 31, 2017 at 11:27 AM

To: sdennett@rogers.com

Cc: mmccormack@ospca.on.ca, lmichaud@ospca.on.ca, jbluhm@ospca.on.ca, bbishop@ospca.on.ca, linda.lamoureux@ontario.ca, chris.popovich@ontario.ca, Jane <mjslegalservices@outlook.com>

Dr. Dennett (Mobile Veterinarian)  
4184 Spratt Rd  
Gloucester, ON K1V 0Z6  
sdennett@rogers.com

October 31, 2017

Dear Dr. Dennett;

I understand that an appointment has been secured for November 1st, 2017 at 11:00am for yourself in attendance with Agent McCormack of the OSPCA, In accordance with a judicial order at the request of the OSPCA for an assessment of "Lucy", a Rottweiler dog to be taken place outside my home.

Please find attached for your reference, clinical findings from Dr. Wallar of the Ottawa Veterinary Hospital pertaining to the history of Lucy's bilateral injury of the cranial cruciate ligament ruptures.

Agent McCormack, assured me as per my request, that she has forwarded my wishes to remain in a position of control over Lucy to ensure that her behavioural and emotional state during this exam are not interfered with. She has stated that the OSPCA will be understanding and respectful of those wishes.


I also wanted to point out for the sake of accuracy, a discrepancy regarding the dog's true age. It is stated on Dr. Wallar's reports as having a birthday in 2012. That was an error on my part when I initially filled out her intake form at the OVH in August as I miscalculated off a vaccination record. I was intending to raise the issue with Dr. Wallar on the 13th of September, however due to the more prevalent circumstance of an immediate injury to the opposite leg, the discussion was instead focused on her care. The owner claims she adopted Lucy in 2011; at the time, her age was unknown. She is a small dog that never grew. I believe the owner assumed she was a puppy at the time. I look forward to seeing you tomorrow.


Sincerely,


Paula Klee

[Quoted text hidden]

### 4 attachments

 **KS Vet Aug 23 pg 1.pdf.pdf**  
805 KB

 **KS Vet Aug 23 pg 2.pdf.pdf**  
347 KB

 **KS Vet Sept 13.pdf.pdf**  
852 KB

 **KS Oct 16 Vet Report.pdf**  
808 KB

Exhibit "F" Dr. Dennett's  
report Nov 1st 2017. (3 pages)

PATIENT HISTORY SUMMARY FORM

Client Info

101037

Pet Info

101822

Kelly St.Germain  
129 Sherbrooke Ave  
Ottawa K1Y 1S1  
  
Home: 613 218-0465

Lucy

Species: Canine  
Breed: Rottweiler  
Sex: Female,Spayed  
Age: 5y; 4.3m (Jun 23, 2012)  
Description: Blk-Tan  
Weight: 12.00 Lb; 5.4545 Kg.

Date In: Wednesday, November 1, 2017 8:46 AM  
Date Out: Wednesday, November 1, 2017

Dr. Dennett  
0 ☐

Case No. 102925

REASON

OSPCA Examination

PROC/MEDS:

ZZ : 1 : Extensive Management Consult [A4052]  
ZZ : 1 : Housecall [A4037]

NOTES:

[ SOAP ] ZZ

( Normal ) = Circulatory; DentalProbs; Digestive; Ears; Eyes; Genital; Lungs; Lymph Nodes; Muc  
Memb; Nose/Throat; Urinary;  
( Abnormal ) = Appearance; Coat/Skin; MusculoSkeletal; Neural;

[ SUBJECTIVE ]

Fed a "Walmart brand" food.  
Has to limit water or Lucy will drink until she regurgitates.  
Regular E/U/S  
On Metacam  
Given an animal glucosamine chondroitin supplement.  
In the possession of Paula Klee.  
This is a court ordered examination in cooperation and paid for by the OSPCA.  
The OSPCA is the owner of this file.

[ OBJECTIVE ]

[ SOAP ] ZZ



**PATIENT HISTORY SUMMARY FORM**

( \*\* VET EXAM \*\* ) =>

\*Temp : Appears normal,  
Abdom palp, ausc thorax, all N  
CRT, hydr, mm all N  
Pulse, Resp N  
Thyroid : Normal,

( Appearance ) =>

2/5 Very thin. Can easily feel ribs and shoulder blades. There is significant muscle wasting in both the front end at the shoulders and the hind end at the hips and thighs.

( Coat/Skin ) =>

Coat : Dull/Dry,

( MusculoSkeletal ) =>

\*LR Very loose ACL and hip. There is not the musculature to support the limb. II/IV or M2 muscle wasting, maybe even close to M3, to a point where lifting the RH causes the LH to shake; cannot support weight on the LH for more than 10 seconds. The RH is sore as well. There is muscle wasting M2 on this limb as well. Can hold weight for more than 10 seconds but still occasionally toe touches with this leg.

Observed for 15 minutes, toe touches often in her gait with the LH but also toe touches with the RH. A true shifting lameness.

Can easily get into and out of position for both urination and defecation.

Unable to stand in a comfortable position, constantly shifting weight from RH to LH, paces, sits, stands but no stillness. This is a sign of discomfort at rest.

LH does not grate with hip flexion but if any more muscle wasting to happen will very quickly be bone on bone.

Her natural stance is cow-hocked. She is unable to stand in a normal position.

( Neural ) =>NSF

**[ ASSESSMENT ]**

Lucy is a very happy and friendly dog. She seems very bonded with her current care giver, looks to her for comfort and likes standing close to her. From observing her handling and doing an examination, appears Lucy is touched and petted a lot and she likes physical handling and attention. Very charming dog.

There are significant issues to do with care-giving, management and overall health.

**[ PLAN ]**

Recommendation:

From Ms.Klee's e-mails, suggestion there is the misunderstanding of the chronicity of Lucy's condition. Ms. Klee needs to understand that Lucy will never truly heal from her injuries, that the management given to her in the future is to maintain an acceptable QOL by ways of nutrition, pain control and very limited exercise. It is inevitable that arthritis will set into and effect Lucy's back and shoulders, and that eventually no amount of management will control the pain she will feel.

**PATIENT HISTORY SUMMARY FORM**

To increase her pain-free time the following is NECESSARY:

1. Bloodwork including Accuplex/SNAP and a fecal to investigate abnormal water intake and to insure the BCS and poor coat quality are nothing more than nutritional. Bloodwork should be repeated every 6 months to insure pain medications able to be metabolized.
2. Improve the food quality: a dog with a chronic injury needs a higher plane of nutrition.
3. Continue Metacam. Add Gabapentin ASAP to augment the Metacam.
4. A better quality Omega source, eg. Eicosaderm Omegas or an equivalent well made brand.
5. Limited exercise: no more than 1 city block, this means 1/2 block there and 1/2 block back 4 times per day and only if Lucy wants to go. No forcing exercise.
6. No more than 5 stairs to access the outside only and then would recommend a ramp. Life inside the home should be on one level, the door to the outside, the food, the rest area on one story. Steps such as flat cushions or boxes to be provided to help Lucy jump up on furniture like the couch or the bed.
7. Coat in the winter to insulate the joints.

These necessities may change with increased food and omega quality and good management but any changes in management will be suggested by the attending veterinarian in follow-up appointments.

MAY help:

1. A good quality glucosamine such as Sasha's Blend green lipped muscle, Aventix OsteosupportPlus, Flexadin
2. Cartrophen injections
3. If can afford accupuncture, water therapy at the lap pool or underwater treadmill as a non-percussive exercise to build muscle. There are mobile animal rehab technicians available for TENS treatment, massage and other ancillary treatments.

These recommendations are not a substitute for surgery. Surgery, if Lucy is still a candidate, would be the best option for treatment. All of these recommendations would be in place to get Lucy ready for surgery. It would be best if pre-op she build good muscle through non-percussive exercise to increase her chances of a good recovery.

-----/



Exhibit "G" Royal Canin  
Joint supplement price (1 pg)



Size : 17-Pound

Price: CDN\$ 210.32 + CDN\$ 5.54

DONE

Size : 17-Pound

and  
\$ 138.59  
left in stock.

17-Pound  
CDN\$ 210.32  
Only 3 left in stock.

30-Pou  
from 1 sell

Exhibit "H" Eicosaderm  
Omega supplement price for 8oz  
bottle - 4 days (1pg)

DermaPet

★★★★★ 2

Dechra Eicosaderm Liquid (8 oz)



Sale: **CDN\$ 35.69 & FREE SHIPPING**

Usually ships within 2 to 3 days.

Ships from and sold by EntirelyPets CA.

📍 Ship to: Select a shipping address

Qty: 1 ▼

Add to Cart

Exhibit "I" Winter coat for  
joint coverage - Amazon (1pg)





www.amazon.ca



Color Name:  
**Black**



Size :  
**Medium**



Price: **CDN\$ 100.74**

FREE Shipping

Only 1 left in stock (more on the



Back



Forward



Home



Bookmarks



Tabs

Exhibit "J" Compliance orders  
by O.S.P.C.A. to Paula Klee /  
Kelly-Anne St Germain Nov 1st  
based on Dr. Demett's report  
( 3 orders - 3pgs )



Date: Nov. 1. 2017

Time: 2:56 p.m



Case number: 08005-20170810-05

Page 1 of 3

**ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS**

**ORDER TO THE OWNER OR THE CUSTODIAN OF ANIMAL(S)**

**MADE UNDER THE ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ACT, R.S.O. 1990  
CHAPTER 0.36 (THE "ACT")**

To: Name: Paul KLEE and Kelly Anne St. GERMAIN  
Address: 1807 morais avenue  
City/Town: Ottawa, ON  
Postal Code: K1J 8J2

In accordance with the authority contained in subsection 13(1) of the Act, you are hereby ordered to take the following action concerning the animal(s) here listed, which are believed to be in distress.

re: one (1) female, rottweiler type dog, tan and black in color, known as "Lucy" kept at / by the above.  
\*As per Dr. Sherri Denner's veterinary report (see email sent @ 1:33 p.m. Nov. 1. 2017), the following treatment recommendations shall be completed: ① have bloodwork done, including Accuplex / SNAP, to investigate abnormal water intake and to insure the body condition score (BCS) and poor coat quality are nothing more than nutritional; ② have fecal done to investigate abnormal water intake and to insure BCS and poor coat quality are nothing more than nutritional; ③ provide good quality dog food in order to provide a dog with a chronic injury needs a higher plane nutrition; ④ provide xalapertin (pain med.) to augment the metacam; ⑤ continue metacam pain medication until file closure.

THE ABOVE ORDER SHALL BE COMPLIED WITH BY:

(Time and Date)

November 6<sup>th</sup> 2017 @ 4:00 p.m

FAILURE TO COMPLY WITH ALL OF THE ABOVE MAY RESULT IN THE ANIMAL(S) BEING REMOVED BY THE ONTARIO SPCA. THIS ORDER SHALL REMAIN IN FORCE UNTIL SUCH TIME AS IT IS MODIFIED OR REVOKED. THE ANIMALS SHALL NOT BE MOVED, SOLD OR OTHERWISE DISPOSED OF WITHOUT THE PRIOR KNOWLEDGE OF THE INSPECTOR/AGENT.

Inspector/Agent: M McCormack Badge Number: 1780

Phone Number: 310-7722

Address: 53 community rd, Napanee

M McCormack  
Inspector/Agent Signature

Please note that you may file an appeal of this order with the Animal Care Review Board.  
Please see the other side for details.

Date: Nov. 1. 2017

Time: 3:03 pm



Case number: 08005- 20170810-95

Page 2 of 3

**ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS  
ORDER TO THE OWNER OR THE CUSTODIAN OF ANIMAL(S)**

**MADE UNDER THE *ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ACT*, R.S.O. 1990  
CHAPTER 0.36 (THE "ACT")**

To: Name: Paula KLEE and Kelly Anne ST. GERMAIN  
Address: 1807 Morquard Avenue  
City/Town: Ottawa ON  
Postal Code: K1J 8J2

In accordance with the authority contained in subsection 13(1) of the Act, you are hereby ordered to take the following action concerning the animal(s) here listed, which are believed to be in distress.

2: One (1) female, rottweiler type dog, black and tan in colour, known as "Lucy" kept at/by the above. As per Dr. Sarah J. Demuth's veterinary report (see email sent Nov. 1. 2017 @ 1:32pm), the following treatment recommendations shall be completed (continued from page 1): ① provide a higher quality Omega Source (ie. encapsulated or equivalent well made brand) by November 6<sup>th</sup>, 2017 @ 4:00pm; ② Lucy must have limited exercise: no more than 1 city block (1/2 block there, 1/2 block back) 4x's per day and only if "Lucy" wants to (effective immediately and ongoing until file closure); ③ "Lucy" must not use/walk more than 5 (five) stairs to access outside only, effective immediately and ongoing until file closure.

THE ABOVE ORDER SHALL BE COMPLIED WITH BY: ① November 6<sup>th</sup>, 2017 @ 4:00pm.  
(Time and Date) ② + ③ effective immediately and ongoing until file closure.

FAILURE TO COMPLY WITH ALL OF THE ABOVE MAY RESULT IN THE ANIMAL(S) BEING REMOVED BY THE ONTARIO SPCA. THIS ORDER SHALL REMAIN IN FORCE UNTIL SUCH TIME AS IT IS MODIFIED OR REVOKED. THE ANIMALS SHALL NOT BE MOVED, SOLD OR OTHERWISE DISPOSED OF WITHOUT THE PRIOR KNOWLEDGE OF THE INSPECTOR/AGENT.

Inspector/Agent: MM Cormack Badge Number: 1780

Phone Number: 310-7727

Address: 53 community rd, Nepean

MM Cormack  
Inspector/Agent Signature

Please note that you may file an appeal of this order with the Animal Care Review Board.  
Please see the other side for details.



Date: Nov. 1. 2017

Time: 3:12 pm



08005-20170810-05

Report number: \_\_\_\_\_

Page 3 of 3

**ORDER TO THE OWNER OR THE CUSTODIAN OF ANIMAL(S)  
MADE UNDER THE ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ACT, R.S.O. 1990  
CHAPTER 0.36 (THE "ACT")**

To: Name: Paula KLEE and Kelly Anne ST. GERMAIN  
Address: 1807 marquis avenue  
City/Town: Ottawa, ON  
Postal Code: K1S 8J2

In accordance with the authority contained in subsection 13(1) of the Act, you are hereby ordered to take the following action concerning the animal(s) here listed, which are believed to be in distress.

re: one (1) female, rottweiler type dog, tan and black in colour, known as "Lucy", kept at / by the above. As per Dr. Sherri Denno's veterinary report (see email sent November 1, 2017 @ 1:52 pm) the following treatment recommendations shall be completed/continued from page 1+2: ① life inside the house should be on one level, door to outside, food/water, rest area all on one story, steps/cushions can be provided to help "Lucy"; ② "Lucy" should be provided with a coat in winter to insulate joints; ③ Bloodwork should be repeated every 6 months to insure pain medications are able to be metabolized. ④ have "Lucy's" nails trimmed to an appropriate length, which will assist mobility.

THE ABOVE ORDER SHALL BE COMPLIED WITH BY: ① effective immediately and ongoing until Ale closure (Time and Date) ② November 6, 2017 @ 4:00 pm.

③ May 6<sup>th</sup>, 2017 @ 4:00 pm. ④ November 8, 2017 @ 9:00 a.m.

FAILURE TO COMPLY WITH ALL OF THE ABOVE MAY RESULT IN THE ANIMAL(S) BEING REMOVED BY THE ONTARIO SPCA. THIS ORDER SHALL REMAIN IN FORCE UNTIL SUCH TIME AS IT IS MODIFIED OR REVOKED. THE ANIMALS SHALL NOT BE MOVED, SOLD OR OTHERWISE DISPOSED OF WITHOUT THE PRIOR KNOWLEDGE OF THE INSPECTOR/AGENT.

Inspector/Agent: M Macmack Badge Number: 1780

Phone Number: 310 7722

Address: 53 community rd, Napanee

M Macmack  
Inspector/Agent Signature

Please note that you may file an appeal of this order with the Animal Care Review Board.  
Please see the other side for details.

Exhibit "L" Letter from  
Dr. Wallar Dated Nov 3, 2017  
( 2 pages )



Ottawa Veterinary Hospital

Caring for life's greatest companions

Nov. 3, 2017

To Whom It May Concern:

I have examined Lucy, an approximately 5 year old, 26 kg female Rottweiler on a number of occasions. Lucy was always brought in by her caregiver Ms. Paula Klee. I was not aware that Lucy was under an O.S.P.C.A. review until my last exam on Oct. 16, 2017.

All examinations were essentially related to Lucy's hind end lameness. It was quickly determined that Lucy was suffering from bilateral hind leg cruciate ligament injuries. The recommendation for treatment in this size canine is universally accepted as surgical within the veterinary profession. In Lucy's case, surgery was not an option that could be pursued due to the economic burden. Unfortunately, this is not an uncommon situation in our profession and over the years I have seen many dogs lead a reasonably good quality of life without surgery, even with both cruciates compromised. In such situations, the patients are managed with: 1-weight restriction 2-exercise restriction 3-pain and arthritis management (often progressing to multiple medications) 4-alternative modes of therapy such as acupuncture, physiotherapy, hydro therapy, laser therapy, natural or nutritional which, depending on one's view, may or may not be of any benefit.

Ultimately, degenerative joint disease will occur within the knees. Whether this becomes debilitating and adversely affects quality of life can only be assessed over a span of time.

In my estimation on the occasion I examined Lucy, she was happy, friendly and despite her orthopedic issues, appeared to have a good quality of life and be in good spirits.

I did converse with Dr. Dennett regarding her examination of Lucy. In general, we discussed the use of NSAIDs medication and whether additional pain management might be beneficial. I made no specific recommendation other than additional medications can be used if it was thought warranted. I also advised that weight and

exercise restrictions would also be warranted (see above comments). At no time did I specifically recommend or endorse the necessity of:

- 1-bloodwork
- 2-diet
- 3-omega source augmentation
- 4-limit exercise to one city block
- 5-limit to five stairs
- 6-coat in winter.

Whether some of the above are reasonable can be discussed, depending on one's point of view. Whether they are necessary, especially with a client who has financial constraints, is in my view highly debatable.

My opinion is that Ms. Klee is doing the best she can for Lucy given limited funds and resources and each time I have examined Lucy, despite her musculo-skeletal difficulties, her quality of life is good.

Regards.

A handwritten signature in black ink, appearing to read 'Mark Wallar', written in a cursive style.

Mark Wallar, DVM